

IN THE _____ COURT OF _____ COUNTY, NEBRASKA

Plaintiff

vs.

Defendant

To the Garnishee: _____ Address: _____

Judgment Debtor: _____ Address: _____

**Summons
and
Order of Garnishment
[In Aid of Execution]**

The judgment debtor is indebted to the judgment creditor in the sum of \$_____, the amount due on judgment, interest and costs. You are required by law to answer the attached Interrogatories and file them in this court within 10 days of service of this summons upon you. This garnishment is based on a judgment that: (Check as shown on affidavit)

- ___ A. is not for the support of a person, and the judgment debtor is the head of a family.
- ___ B. is not for the support of a person, and the judgment debtor is not the head of a family.
- ___ C. is for the support of a person, the judgment debtor is supporting a spouse or dependent child, and this support order is not for payments more than 12 weeks in arrears.
- ___ D. is for the support of a person, the judgment debtor is supporting a spouse or dependent child, and this support order is for payments more than 12 weeks in arrears.
- ___ E. is for the support of a person, the judgment debtor is not supporting any other spouse or dependent child, and this support order is not for payments more than 12 weeks in arrears.
- ___ F. is for the support of a person, the judgment debtor is not supporting any other spouse or dependent child, and this support order is for payments more than 12 weeks in arrears.

Instructions to Garnishee

You are obligated to hold the property and credits of every description of the judgment debtor now in your possession or under your control until further order of this court, except:

- (1) If the only property in your possession or under your control at the time of service of this summons is credits or wages of the judgment debtor, hold only such credits or wages to the extent of the amount due that is shown above;
- (2) If you hold wages of the judgment debtor, you must pay to your employee the disposable earnings not subject to garnishment, as determined according to the attached Interrogatories and Instructions.
- (3) If you are a bank or financial institution and the sums of money on account consist solely of direct deposited funds exempt under federal law such as Social Security, SSI, Veterans', Black Lung and Railroad Retirement Benefits, then the exemption will apply and you must not withhold. Proceed to Interrogatories. **[Note: Except as to SSI benefits, the federal exemption does not apply if the garnishment is based on a judgment for support of a person; i.e., child support or alimony.]**

If you do not answer the attached Interrogatories, you will be presumed to owe the judgment debtor the full amount of the claim of the judgment creditor, and upon further notice to you for such amount as the court may find due.

You are required by law to answer the attached Interrogatories and file them in this court within 10 days of service of this Summons upon you. Penalties may be imposed in the event of willful falsification. Return your answered Interrogatories to the court within 10 days of service of this Summons upon you.

Date: _____ By the Court: _____

Attorney: _____ Address/Phone: _____

(Seal)

_____ Service by Certified Mail

_____ Service by Authorized Person

If you have any questions, contact an attorney.

This form is provided as a public service but should be reviewed by your attorney. Effective January 1, 1994.

Original - Court File
2 Copies - Garnishee
1 Copy - Judgment Debtor

SHERIFF RETURN

Received this Summons and Order of Garnishment on _____, 20____. I hereby certify that on _____, 20____ at _____ o'clock ____ M. I served copies of the Summons and Order of Garnishment, Interrogatories and Notice to Judgment Debtor upon the garnishee:

by _____

_____, as required by Nebraska state law.

Service and return \$ _____

Copy _____

Mileage _____ miles _____

TOTAL _____

Date: _____ BY: _____
(Sheriff or authorized person)

CERTIFIED MAIL PROOF OF SERVICE

Copies of the Summons and Order of Garnishment, Interrogatories and Notice to Judgment Debtor were mailed by certified mail,

TO THE GARNISHEE: _____
at the following address: _____

TO THE JUDGMENT DEBTOR: _____
at the following address: _____

_____ on the _____ day of _____, 20____, as required
by Nebraska state law.

Postage \$ _____ Attorney for: _____

The return receipt for mailing to the garnishee was signed on _____, 20____.

ATTACH RETURN RECEIPT FOR MAILING TO GARNISHEE HERE

Plaintiff
vs.

INTERROGATORIES
Case Number _____

Defendant _____

WAGES

1. Is the judgment debtor currently in your employ? _____ Yes _____ No
2. Did you owe the judgment debtor any money for wages on the date and time you were served with this garnishment?
_____ Yes _____ No
3. Will you owe earnings to the judgment debtor within the next 60 days? _____ Yes _____ No
4. How often is the judgment debtor paid? _____ Weekly or more often; _____ Biweekly; _____ Semimonthly;
_____ Monthly; _____ Other [Explain _____]
5. What are the judgment debtor's earnings for the pay period? 5. _____
6. What amount are you required by law to deduct from the judgment debtor's earnings? See part 3 of the Employer's Instruction Sheet. 6. _____
7. What are the judgment debtor's disposable earnings for the pay period? [Subtract line 6 from line 5] 7. _____
8. What portion of the judgment debtor's disposable earnings are subject to this garnishment order? Calculate the amount according to part 4 of the Employer's Instruction Sheet. 8. _____
9. Is any portion of the judgment debtor's earnings currently withheld pursuant to any Withhold and Transmit Order, Income Withholding Order, or Garnishment order, including an Order of Continuing Lien? _____ Yes _____ No

If you answer No, enter the amount shown on line 8 on line 10 and answer the remaining interrogatories.

The amount subject to garnishment under this order for each pay period cannot exceed the amount on line 8.

If you answer Yes, you must answer the questions in this interrogatory and calculate the amount subject to garnishment under this order in accordance with part 5 of the Employer's Instruction Sheet.

Is any portion of the judgment debtor's earnings currently withheld pursuant to:

- A. A Withhold and Transmit Order for support of a person? _____ Yes _____ No

If Yes, what is the amount withheld for this pay period under the order?

9A. _____

- B. An order requiring Income Withholding for support of a person?

_____ Yes _____ No

If Yes, what is the amount withheld for this pay period under the order?

9B. _____

- C. A Garnishment order (including an Order of Continuing Lien) for support of a person? _____ Yes _____ No

If Yes, what is the amount withheld for this pay period under the order?

9C. _____

- D. A Garnishment order (including an Order of Continuing Lien) that is not for support of a person? _____ Yes _____ No

If Yes, what is the amount withheld for this pay period under the order?

9D. _____

If you have entered any amount on lines 9A to 9D, consult part 5 of the Employer's Instruction Sheet and enter the amount determined according to those instructions on line 10.

10. The amount of wages subject to garnishment under this order for the pay period cannot exceed the amount shown on line 10. Pay the judgment debtor the wages not subject to garnishment. 10. _____
11. Based upon the above answers, the amount of wages being withheld on this garnishment is \$ _____.
12. Was any portion of the wages of the judgment debtor already being withheld pursuant to an Order of Continuing Lien at the time this garnishment was served? (This does not include a Withhold and Transmit Order or an Income Withholding Order.)
_____ Yes _____ No. What is the date of termination of that continuing lien? _____.
13. If you answered Yes to 9A, 9B, 9C, 9D, or 12, what is the court, case number and title of all cases? _____

FOR PROPERTY AND MONEY OTHER THAN WAGES AND FOR BANKS AND FINANCIAL INSTITUTIONS

1. Do you have property belonging to the judgment debtor, or credits or monies owed to the judgment debtor, whether due or not, other than the earnings described above? _____ Yes _____ No
2. If Yes, specify:
 - a. Property of the judgment debtor in your possession: _____
 - b. Amount of money or credits you owe the judgment debtor, other than earnings: _____
 - c. Date the money or credits were due, or will be due: _____
 - d. Whether the money held consists solely of direct deposited funds exempt under federal law, such as Social Security, SSI, Veterans', Black Lung and/or Railroad Retirement benefits.

Yes ☐ No ☐

If, yes, proceed to number 3 and check the appropriate boxes.

3.

☐

a. ~~Withholding is exempt because the funds~~ The funds are exempt from withholding because they consist solely of direct deposited federal funds benefits and are statutorily exempt from garnishment. The funds consist of federal benefits paid as:

☐ Social Security Benefits

☐ SSI Benefits

☐ Veterans' Benefits

☐ Black Lung Benefits

☐ Railroad Retirement Benefits:

☐

b. The garnishment is based on a judgment for support of a person; i.e., child support or alimony:

☐

(i) thus, the federal exemption does **not** apply; or

☐

(ii) the federal exemption does apply because the funds, as designated above in 3(a), are solely SSI benefits.

Date: _____

Prepared by: _____

This form is provided as a public service but should be reviewed by your attorney. ~~Effective January 1, 1994.~~